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IT IS SO ORDERED.

DATED: Jan. 3, 2006

  
MAGISTRATE JUDGE OF THE NORTHERN DISTRICT COURT  
JOSEPH C. SPERO

CASE NAME: Brice v. Progressive Casualty Insurance Company, et al.  
 COURT: Northern District Court of California  
 CASE NO.: 3:05 CV-00809 JCS

### PROOF OF SERVICE

I am a citizen of the United States, employed in the County of Sacramento, State of California. My business address is 350 University Avenue, Suite 280, Sacramento, California 95825. I am over the age of 18 years and not a party to the above-entitled action.

On December 20, 2005, I caused the within **ORDER RE DISMISSAL**, the original of which was produced on recycled paper, to be served as follows:

XX **MAIL** -- I am readily familiar with Nolen Saul Brelsford's practice for collection and processing of correspondence for mailing with the United States Postal Services. Pursuant to said practice, each document is placed in an envelope, the envelope is sealed, the appropriate postage is placed thereon and the sealed envelope is placed in the office mail receptacle. Each day's mail is collected and deposited in a U.S. mailbox at Sacramento, California at or before the close of each day's business. (CCP Section 1013a(3).)ss

\_\_\_\_\_ **FACSIMILE** – On \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m., by use of facsimile machine telephone number (916) 564-9991, I served a true copy of the aforementioned document(s) on the parties in said action by transmitting by facsimile machine to the numbers as set forth above. The facsimile machine I used complied with California Rules of Court, Rule 2003(3) and no error was reported by the machine. Pursuant to California Rules of Court, Rule 2008(e), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this Declaration.

\_\_\_\_\_ **PERSONAL SERVICE** – Delivered by hand to the addressee addressed as set forth below.

\_\_\_\_\_ **OVERNIGHT COURIER** – By causing a true copy and/or original thereof to be personally delivered via the following overnight courier service:

Attorneys for Defendant PROGRESSIVE:

Blane A. Smith, Esq.

**FARMER, MURPHY, SMITH & ALLISTON**

3640 American River Drive, Suite 150

Sacramento, California 95864

**Phone:** (916) 484-3500

**Fax:** (916) 484-3510

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on December 20, 2005, at Sacramento, California.

\_\_\_\_\_  
 Jonathan Saul